

---

**Health Care Committee**

---

**HB 2038**

**Brief Description:** Enacting a complete statewide smoking ban in public places.

**Sponsors:** Representatives McDermott, Tom, Cody, Roberts, Miloscia, Murray, Green, Haler, Kagi and Darneille.

**Brief Summary of Bill**

- Prohibits smoking in all public places by eliminating designated smoking areas.
- Raises penalties for violations by owners or lessees of public places.
- Allows local government to adopt more restrictive ordinances.

**Hearing Date:** 2/24/05

**Staff:** Molly Belozar (786-7104).

**Background:**

The Centers for Disease Control and Prevention (CDC) reports that approximately 46 million Americans smoke. According to the CDC, cigarette smoking remains the leading preventable cause of death in the United States, accounting for approximately 440,000 deaths annually. Some states have statewide prohibitions on smoking in public places, including California, Massachusetts, and New York.

The Washington Clean Indoor Air Act prohibits smoking in public places, except for certain facilities that may designate smoking areas. A "public place" is a portion of any building or vehicle used by and open to the public. Designated smoking areas in public places must use existing physical barriers and ventilation systems to minimize smoke entering non-smoking areas. Bars, taverns, bowling alleys, tobacco shops, or restaurants may be designated smoking areas in their entirety. Violations of this prohibition include a warning, and subsequent fines of 100 dollars.

**Summary of Bill:**

Public places may no longer have designated smoking areas. The definition of "public places" is expanded to include bars, taverns, bowling alleys, and skating rinks. The exemption from the smoking prohibition that applies to private enclosed workplaces within a public place is removed.

Maximum civil penalties for violations of smoking prohibitions by owners of covered facilities are raised to \$500.

Cities, towns, and counties may adopt more restrictive ordinances to prohibit smoking in public places.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.